

1 H.609

2 Introduced by Representatives Stebbins of Burlington, Dodge of Essex, and

3 Pouech of Hinesburg

4 Referred to Committee on

5 Date:

6 Subject: Motor vehicles; vessels; motorboats; registration fees; conservation

7 and development; water resources; aquatic nuisance control; Lake

8 Protection and Access Pass

9 Statement of purpose of bill as introduced: This bill proposes to repeal the
10 Motorboat Registration Fund and have all motorboat registration fees and
11 penalties deposited in the Transportation Fund in compliance with federal law.

12 This bill also proposes to require the Commissioner of Fish and Wildlife to
13 issue the Lake Protection and Access Pass that owners or operators of
14 motorboats and nonmotorized vessels would be required to annually obtain and
15 affix to all motorboats and nonmotorized vessels operating in the waters of the
16 State, with fees on the sale of Lake Protection and Access Passes deposited
17 into a special fund to be used for aquatic nuisance control in the State and
18 boating access areas in the State.

19 An act relating to repealing the Motorboat Registration Fund and
20 establishing the Lake Protection and Access Pass for use of State waters

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 10 V.S.A. § 1452 is amended to read:

3 § 1452. DEFINITIONS

4 As used in this chapter:

5 (1) “Agency” means the Agency of Natural Resources.

6 (2) “Aquatic nuisance” means undesirable or excessive ~~substances or~~
7 ~~populations~~ biological organisms that interfere with the recreational potential
8 or aquatic habitat of a body of water, including rooted aquatic plants and
9 animal and algal populations. ~~Aquatic nuisances include zebra mussels~~
10 ~~(Dreissena polymorpha), quagga mussels (Dreissena bugensis), Asian clam~~
11 ~~(Corbicula fluminea), fishhook waterflea (Cercopagis pengoi), rusty crayfish~~
12 ~~(Orconectes rusticus), spiny waterflea (Bythotrephes longimanus), or other~~
13 ~~species identified by the Secretary by rule.~~

14 (3) “Aquatic plant” means a plant that naturally grows in water,
15 saturated soils, or seasonally saturated soils, including algae and submerged,
16 floating-leafed, floating, or emergent plants.

17 * * *

18 (11) “Waters” means all rivers, streams, creeks, brooks, reservoirs,
19 ponds, lakes, and springs and all bodies of surface waters, artificial or natural,
20 that are contained within, flow through, or border upon the State or any portion
21 of it.

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(22) “Vessel” means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft.

(23) “Motorboat” has the same meaning as in 23 V.S.A. § 3302.

(24) “Nonmotorized vessel” means every description of nonmotorized watercraft, including sailboats, rowboats, paddleboats, paddleboards, rafts, canoes, kayaks, or inflatable rafts and kayaks, used or capable of being used as a means of transportation on unfrozen water. “Nonmotorized vessel” does not mean a single air mattress, single inner tube, or other water toy used for flotation.

Sec. 2. 10 V.S.A. §§ 1462 and 1463 are added to read:

§ 1462. LAKE PROTECTION AND ACCESS PASS; DECAL

(a) Lake Protection and Access Pass; required for operation.

(1) The Commissioner of Fish and Wildlife shall establish the Lake Protection and Access Pass that shall entitle the owner or operator of a motorboat or nonmotorized vessel to operate on a water of the State.

(2) The Commissioner of Fish and Wildlife shall issue the Lake Protection and Access Pass annually and shall design the Pass as a decal to be attached to each of the following vessels operating in the State:

1 (A) a motorboat required to be registered by this State under
2 23 V.S.A. § 3305;

3 (B) a motorboat of less than 10 horsepower used as a tender to a
4 motorboat required to be registered by this State under 23 V.S.A. § 3305;

5 (C) a motorboat that is exempt from Vermont numbering provisions
6 under 23 V.S.A. § 3307 that the owner expects will only be operated in the
7 waters of the State during the applicable calendar year;

8 (D) a motorboat that has been registered in another state under a
9 federally approved numbering system or that has a valid document issued by
10 the U.S. Coast Guard, U.S. Customs and Border Protection, or any other
11 federal agency;

12 (E) a motorboat that is exempt from Vermont numbering provisions
13 under 23 V.S.A. § 3307 that the owner expects will be operated in the waters
14 of another state at least once during the applicable calendar year; and

15 (F) a nonmotorized vessel.

16 (3) The Lake Protection and Access Pass decal shall be displayed:

17 (A) on the port side of a motorboat three inches ahead of the
18 validation sticker or registration number;

19 (B) on the port side of the bow above the waterline of a
20 nonmotorized vessel that has a bow; or

1 (C) on an easily retrievable and visible attachment to a nonmotorized
2 vessel that does not have a bow.

3 (4) Notwithstanding subdivisions (1) and (2) of this subsection,
4 motorboats or nonmotorized vessels operating in interstate waters shared with
5 another state or province shall be exempt from the requirement of subdivision
6 (2) of this subsection if the motorboat or nonmotorized vessel displays an
7 equivalent aquatic invasive species decal issued by the other state or province.
8 The provisions of this subdivision shall not be valid unless the other state or
9 province enacts legislation that is substantially the same as the Lake Protection
10 and Access Pass requirements in this section and gives reciprocal exemptions
11 to motorboats displaying the Vermont Lake Protection and Access Pass.

12 (b) Fee; issuance and expiration. The Commissioner of Fish and Wildlife
13 shall charge the following fees for the Lake Protection and Access Pass:

14 (1) Vermont residents: \$20.00;

15 (2) nonresidents of Vermont: \$40.00; and

16 (3) Vermont businesses or associations with 10 or more nonmotorized
17 vessels: \$200.00 for up to 20 nonmotorized vessels.

18 (c) Expiration. The Lake Protection and Access Pass shall, without regard
19 to transfer of ownership of the motorboat or nonmotorized vessel, expire on
20 December 31 in the year for which it is issued.

1 (d) Signage. The Commissioner of Fish and Wildlife shall ensure that
2 signage regarding aquatic nuisances and the required Lake Protection and
3 Access Pass is prominently posted at public access points to waters of the State
4 and entrances and exits to limited access highways as that term is defined in
5 19 V.S.A. § 1(25).

6 § 1463. LAKE PROTECTION AND ACCESS; SPECIAL FUND

7 (a) There is created a special fund known as the Lake Protection and
8 Access Special Fund to be administered by the Secretary of Natural Resources.

9 (b) The Fund shall consist of:

10 (1) fees collected by the Commissioner of Fish and Wildlife from the
11 sale of Lake Protection and Access Passes under section 1462 of this title;

12 (2) funds that may be appropriated by the General Assembly; and

13 (3) other gifts, donations, or funds received from any source, public or
14 private, dedicated for deposit into the Fund.

15 (c) Revenue in the Fund shall be allocated as follows:

16 (1) 10 percent to the Department of Fish and Wildlife, to be used for the
17 administrative costs of implementing the requirements of this chapter;

18 (2) 45 percent to the Department of Fish and Wildlife, to be used to
19 match federal funds, for upgrading and expanding boating access areas and
20 facilities located at those areas, for developing and constructing new boating

1 access areas, and for facilitating or establishing and maintaining pump out
2 stations; and

3 (3) 45 percent to the Department of Environmental Conservation for the
4 purpose of aquatic nuisance control under this chapter, including:

5 (A) to award grants to municipalities under the grant-in-aid program
6 established under section 1458 of this title;

7 (B) to fund aquatic nuisance inspection stations and the training
8 program for station staff under section 1461 of this title; and

9 (C) to fund installation or replacement of signage at fishing and
10 boating access areas to warn of aquatic nuisance infections in waters or to
11 advise users of waters to inspect or wash their motorboats and nonmotorized
12 vessels.

13 (d) Notwithstanding the requirements of 32 V.S.A. § 588(3) and (4),
14 interest earned by the Fund and the balance of the Fund at the end of the fiscal
15 year shall be carried forward in the Fund and shall not revert to the General
16 Fund.

17 Sec. 3. WARNINGS IN 2025

18 In 2025, law enforcement officers shall not issue civil violations for failure
19 to display the Lake Protection and Access Pass as required under 10 V.S.A.
20 § 1462. Instead, law enforcement officers shall issue warnings for failure to
21 display the Lake Protection and Access Pass and provide copies of the aquatic

1 invasive species information required under 23 V.S.A. § 3305(k) to the
2 operator of any motorboat or nonmotorized vessel that is observed in the
3 waters of this State without displaying the Lake Protection and Access Pass.

4 Sec. 4. 23 V.S.A. § 3305(k) is amended to read:

5 (k) The Commissioner shall enclose with every permanent and temporary
6 motorboat registration and registration renewal certificate issued pursuant to
7 this chapter a statement, based on current aquatic nuisance threats and spread
8 prevention methods, regarding the danger of aquatic nuisances, how aquatic
9 nuisance species are spread, ~~and~~ how spread of aquatic nuisance species may
10 be controlled, and the requirement that the owner or operator of a motorboat or
11 nonmotorized vessel is required annually by 10 V.S.A. § 1462 to obtain the
12 Lake Protection and Access Pass.

13 Sec. 5. 19 V.S.A. § 11 is amended to read:

14 § 11. TRANSPORTATION FUND

15 The Transportation Fund shall comprise the following:

16 (1) all taxes, penalties, and fees received by the Commissioner of Motor
17 Vehicles ~~except those relating to motorboats imposed under 23 V.S.A. chapter~~
18 ~~29, which shall be expended pursuant to 23 V.S.A. § 3319;~~

19 * * *

1 Sec. 6. 23 V.S.A. § 3305(b) is amended to read:

2 (b) Annually or biennially, the owner of each motorboat required to be
3 registered by this State shall file an application for a number with the
4 Commissioner of Motor Vehicles on forms approved by ~~him or her~~ the
5 Commissioner. The application shall be signed by the owner of the motorboat
6 and shall be accompanied by an annual fee of \$31.00, or a biennial fee of
7 \$57.00, for a motorboat in class A; by an annual fee of \$49.00, or a biennial
8 fee of \$93.00, for a motorboat in class 1; by an annual fee of \$80.00, or a
9 biennial fee of \$155.00, for a motorboat in class 2; by an annual fee of
10 \$153.00, or a biennial fee of \$303.00, for a motorboat in class 3. Upon receipt
11 of the application in approved form, the Commissioner shall enter the
12 application upon the records of the Department of Motor Vehicles and issue to
13 the applicant a registration certificate stating the number awarded to the
14 motorboat and the name and address of the owner. The owner shall paint on or
15 attach to each side of the bow of the motorboat the identification number in
16 such manner as may be prescribed by rules of the Commissioner in order that it
17 may be clearly visible. The registration shall be void one year from the first
18 day of the month following the month of issue in the case of annual
19 registrations or void two years from the first day of the month following the
20 month of issue in the case of biennial registrations. A motorboat of less than
21 10 horsepower used as a tender to a registered motorboat shall be deemed

1 registered, at no additional cost, and shall have painted or attached to both
2 sides of the bow the same registration number as the registered motorboat with
3 the number “1” after the number. The number shall be maintained in legible
4 condition. The registration certificate shall be pocket size and shall be
5 available at all times for inspection on the motorboat for which issued,
6 whenever the motorboat is in operation. A duplicate registration may be
7 obtained upon payment of a fee of \$3.00 to the Commissioner. ~~Registration~~
8 ~~fees shall be allocated in accordance with section 3319 of this title.~~

9 Sec. 7. REPEAL

10 23 V.S.A. § 3319 (Motorboat Registration Fund) is repealed.

11 Sec. 8. TRANSFER OF MOTORBOAT REGISTRATION FUND;

12 CARRYFORWARD

13 The balance of the Motorboat Registration Fund at the close of State fiscal
14 year 2025 shall be transferred to the Transportation Fund and carried forward
15 to State fiscal year 2026.

16 Sec. 9. EFFECTIVE DATES

17 (a) This section and Secs. 1–4 (Lake Protection and Access Passes) and 8
18 (transfer of Motorboat Registration Fund) shall take effect on January 1, 2025.

19 (b) Secs. 5–7 (Motorboat Registration Fund and Transportation Fund
20 amendments) shall take effect on July 1, 2025.